



# CHIEF OF THE NATIONAL GUARD BUREAU INSTRUCTION

NGB-GC  
DISTRIBUTION: A

CNGBI 9550.01A  
22 July 2025

## RESTRICTIONS ON THE USE OF FEDERAL FUNDS FOR LOBBYING OR PROPAGANDA

References: See Enclosure B.

1. Purpose. This instruction establishes policy and assigns responsibilities to facilitate compliance with Federal laws and regulations on the restrictions on the use of Federal funds for lobbying or propaganda by National Guard (NG) personnel, in accordance with reference a.
2. Cancellation. This instruction cancels and replaces its previous version, Chief of the National Guard Bureau (NGB) Instruction 9550.01, "Restrictions on the Use of Federal Funds for Lobbying or Propaganda," 30 April 2015, certified current 02 February 2020.
3. Applicability. This instruction applies to the NG Service members in Title 10 and Title 32 duty status.
4. Policy. It is NGB policy to prohibit the use of Federal funds for lobbying or propaganda activities in accordance with statutory and regulatory provisions below. NG personnel acting in an official capacity are restricted from using Federal funds to lobby members of Congress or the public except as provided below. This instruction summarizes administrative interpretations of complex laws and regulations applicable to NG Service members in Title 10 or Title 32 duty status.
  - a. Statutory and Regulatory Provisions. The following statutes, regulations, and related guidance address the use of Federal funds for lobbying or propaganda by NG personnel in an official capacity.
    - (1) The Anti-Lobbying Act. Reference a prohibits the direct or indirect expenditure of Federal appropriations intended to influence a member of Congress in support or opposition of any legislation, policy, or appropriation. This prevents a Federal agency from organizing the public or agency constituents to pressure Congress. The Act permits communications to members of Congress conducted at the request of Congress and through official channels. This statute applies to NG

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personnel in Title 10 and Title 32 duty status or reimbursed State Active Duty; NG Technicians; and State employees whose wages are Federally reimbursed under cooperative agreements.

(2) Restrictions on Employment of Publicity Experts. Reference b prohibits the use of appropriated funds to pay a publicity expert unless specifically appropriated for that purpose. This funding limitation is intended to prohibit publicity activities that do not further the agency's valid program objectives. This statute applies to all NG appropriations. NG personnel may be subject to criminal and civil penalties when improper expenditures constitute a violation of reference c.

(3) Department of Defense (DoD) Annual Appropriations Restrictions. Reference e includes an example of a recurring provision in DoD annual appropriations legislation which provides that no appropriations "may be used for publicity or propaganda purposes not authorized by Congress." Section 8013 of reference d further prohibits funding from being used to "influence Congressional action on any matters pending before the Congress." The funding limitations of reference d apply to all NG appropriations. Since personnel may not lobby Congress while paid from Federal funds, this prohibition extends to NG personnel in Title 10 and Title 32 duty status or reimbursed State Active Duty; NG Technicians; and State employees whose wages are Federally reimbursed under cooperative agreements. NG personnel may be subject to criminal and civil penalties when improper expenditures constitute a violation of reference c.

(4) Principles of Federal Appropriations Law. Reference e identifies three lobbying activities that the Government Accountability Office expressly prohibits. These activities are self-aggrandizement, covert propaganda, and purely partisan materials. NG personnel may be subject to criminal and civil penalties when improper expenditures constitute a violation of reference c.

(5) Limitations on the Influence of Certain Federal Contracting and Financial Transactions. Reference f prohibits the expenditure of Federal funds by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with certain Federal actions, including awarding Federal contracts, making Federal grants, making Federal loans, entering into cooperative agreements, or extending, continuing, renewing, amending, or modifying any Federal contract, grant, loan, or cooperative agreement. Recipients of Federal funds may be subject to a civil penalty ranging from \$10,000 to \$100,000 for each improper expenditure.

b. Prohibited and Permitted Activities.

(1) Prohibited Activities. Violations must be reported to ethics officials.

(a) “Grass Roots” Lobbying. NG personnel may not use appropriated funds to aid any outside organization in conducting large-scale “grass roots” lobbying activities with respect to legislation or appropriations, such as the distribution of written materials to the public on a large scale that encourages members of the public to contact or communicate with Congress concerning legislation or appropriations. Therefore, NG personnel may not:

1. Create materials for outside organizations to distribute in connection with grass roots lobbying activities.

2. Allow Federally-funded employees to spend time collecting materials that would not otherwise have been collected in connection with grass roots lobbying activities.

3. Solicit outside organizations to conduct large-scale grass roots lobbying activities.

4. Control outside organizations in conducting large-scale grass roots lobbying activities.

5. Use outside organizations as an extension of NGB or DoD to facilitate prohibited grass roots lobbying activities.

(b) Using Official Channels. NG personnel during work or duty hours may not contact members of Congress or Congressional staff outside the proper official channels to urge action concerning legislation or appropriations. NG personnel during non-work or non-duty hours may not use Federal resources to contact members of Congress or Congressional staff for lobbying purposes or urge other persons to do so.

(c) Lobbyist Employment. NG personnel may not use Federal funds to hire lobbyists, unless funds are specifically appropriated for that purpose.

(d) Material for Influencing Congress. NG personnel may not develop or prepare material to be used for the purpose of influencing Congress, except when prepared for use by NGB or DoD to present positions through official channels.

(e) Requests for State-Level Lobbying. NG personnel may not request, urge, or suggest that The Adjutants General or other State NG members contact a member of Congress to lobby for a particular legislation or appropriations. The NG as a State organization should not be a part of the official promotion of DoD or NGB legislative and appropriations objectives.

(f) Public Relations Activities. NG personnel may not use appropriated funds to facilitate a public relations campaign with the sole purpose of self-aggrandizement emphasizing the importance of the NG and its activities. This includes covert public relations activities designed to get information to the public, through the media or

otherwise, generated at least in part by the NG but made to appear as if solely from a source outside the Government. Examples include:

1. Preparing letters to editor, opinion-editorial pieces, or other publications to be published solely as opinions of individuals outside the Government.

2. Collaborating on material for public publication or distribution that claims to be solely written by, and present the opinions of, individuals outside the Government.

3. Arranging for meetings of individuals outside the Government with the media as part of a public relations campaign, but making it appear as if the Government was not involved.

(g) Lobbying State Legislatures. NG personnel may not use Federal funds for the purposes of lobbying State legislatures.

(2) Permitted Activities.

(a) Freedom of Information Act Requests. NG personnel may provide preexisting materials or information to outside organizations, at an organization's request, for organizations to reproduce and distribute in connection with any lobbying activity.

(b) Using Official Channels.

1. NG personnel may communicate directly with a member of Congress for the purpose of providing information or soliciting that member's support for the Administration's position on a current or pending legislative matter, including legislation or appropriations, whether such contact is invited. Unsolicited communications with members of Congress must be coordinated and approved through official channels.

2. Official channels include DoD, Department of the Army, Department of the Air Force, and NGB channels of communication used by authorized legislative liaison personnel.

(c) Responses to Requests for Information. NG personnel may respond to requests for information from members of Congress or Congressional staff. When made in a Federally-funded duty status, these responses are factual in nature and cannot include views or positions on legislation or appropriations, unless specifically requested. Responses are cleared through official channels.

(d) Material for Influencing the Public.

1. NG personnel may distribute written materials to the public advocating the Administration's position on legislative matters, including legislation or

appropriations, when such materials do not encourage members of the public to contact or communicate with Congress.

2. NG personnel may make statements in writing, such as opinion-editorial pieces in newspapers or magazines, advocating the Administration's position when such statements do not encourage members of the public to contact or communicate with Congress.

3. NG personnel may make public speeches promoting the Administration's position on legislative matters, including legislation or appropriations, with encouragement that members of the public support the Administration's legislative position, when the NG does not distribute copies of such speeches on a large scale.

(e) Public Relations Activities. NG personnel may perform legitimate informational activities, such as reporting about and explaining NG activities and programs, justifying NG policies to the public, or rebutting attacks on NG policies.

(f) Contact in a Personal Capacity. NG personnel, in their personal capacity during non-work or non-duty hours or when not performing federally funded duty, may contact members of Congress or their staff, so long as federally appropriated funds or resources are not used in the process.

(g) Contact in a State Capacity. Subject to the provisions of State law, NG personnel may contact a member of Congress or Congressional staff for the purpose of supporting or opposing legislation, provided they are not paid with Federal funds, no Federal resources are used, and the contact is clearly and explicitly made in a State capacity.

5. Definitions. See Glossary.

6. Responsibilities. See Enclosure A.

7. Summary of Changes. Changes to this instruction include changing the name of the Office of the NGB Chief Counsel "NGB-JA" to Office of the NGB General Counsel (NGB-GC) and the reference section has been updated to reflect current references.

8. Releasability. This instruction is approved for public release; distribution is unlimited. It is available at <<https://www.ngbpmmc.ng.mil/>>.

9. Effective Date. This instruction is effective upon publication and must be reviewed annually by the Proponent/Office of Primary Responsibility for continued validity, and must be revised, reissued, canceled, or certified as current every ten years.



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Enclosures:

- A -- Responsibilities
- B -- References
- GL -- Glossary

ENCLOSURE A

RESPONSIBILITIES

1. Chief of the NGB. IAW law, policy, and reference g, the CNGB reserves authority to:
  - a. Communicate NG equities with members of Congress on behalf of the NGB.
  - b. Communicate with senior leaders in the Office of the Secretary of Defense and Joint Chiefs of Staff to enable their understanding and articulation to Congress of key NG equities.
  - c. Delegate to key NGBJS leaders necessary responsibilities for communication outside of the NGB.
2. Vice Chief of the NGB. The Vice Chief of the NGB will:
  - a. Communicate NG equities with members of Congress.
  - b. Educate senior leaders in the Office of the Secretary of Defense and Joint Chiefs of Staff so that they properly understand and articulate NG interests to Congress.
3. Director of the Army National Guard and Director of the Air National Guard. The Director of the Army National Guard and the Director of the Air National Guard will:
  - a. Communicate Army National Guard and Air National Guard equities with members of Congress.
  - b. Educate Army and Air Force senior leaders so that they properly understand and articulate NG interests to Congress.
  - c. Coordinate, through the NGB Office of Legislative Liaison, all interactions with members of Congress, Congressional committees, and Congressional staff by respective NGB directorates.
4. NGB-GC. NGB-GC will provide legal interpretations regarding the lobbying and propaganda prohibitions described in this instruction.

ENCLOSURE B

REFERENCES

PART I. REQUIRED

- a. Title 18 United States Code (U.S.C.) Section 1913, "Lobbying with Appropriated Moneys"
- b. 5 U.S.C. § 3107, "Employment of Publicity Experts; Restrictions"
- c. 31 U.S.C. §§ 1341, 1342, 1349-1351, and 1511-1519, "Anti-Deficiency Act"
- d. Public Law 113-76, "Consolidated Appropriations Act, 2014"
- e. Government Accountability Office, GAO-14-163SP, 13 March 2014, "Principles of Federal Appropriations Law: Annual Update of the Third Edition"
- f. 31 U.S.C. § 1352, "Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions"
- g. Department of Defense Directive 5105.77, 30 October 2015, "National Guard Bureau (NGB)," Incorporating Change 1, 10 October 2017
- h. 45 CFR § 1612.2(a)(1)), 10-1-06 Edition, "Grassroots Lobbying"

PART II. RELATED

- i. Chief of the National Guard Bureau Instruction 0500.01, 08 November 2012, "National Guard Bureau (NGB) Relations with Congress"
- j. 32 Code of Federal Regulations, Part 28, "New Restrictions on Lobbying"
- k. 10 U.S.C. § 10502, "Chief of the National Guard Bureau: Appointment; Adviser on National Guard Matters; Grade; Succession"
- l. 10 U.S.C. § 10503, "Functions of National Guard Bureau: charter"
- m. 18 U.S.C. § 1341, "Frauds and Swindles"
- n. Army Regulation 360-1, 08 October 2020, "The Army Public Affairs Program"
- o. Department of the Air Force Policy Directive 35-1, 23 December 2020, "Public Affairs Management"



- p. 5 U.S.C. § 552, "Public Information; Agency Rules, Opinions, Records, and Proceedings"
- q. Office of Management and Budget, OMB Circular A-11, July 2016, "Preparation, Submission, and Execution of the Budget"
- r. Office of Management and Budget, OMB Circular A-19, July 1972, "Legislative Coordination and Clearance," Revised 20 September 1979

## GLOSSARY

### PART I. ACRONYMS

DoD	Department of Defense
NG	National Guard
NGB	National Guard Bureau
NGB-GC	Office of the National Guard Bureau General Counsel

### PART II. DEFINITIONS

Administration -- A group constituting the political executive in a presidential government.

Lobbying -- Communication intended to influence a member of Congress to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation. (See reference a.)

“Grass Roots” Lobbying -- Any oral, written or electronically transmitted communication or any advertisement, telegram, letter, article, newsletter, or other printed or written matter or device which contains a direct suggestion to the public to contact public officials in support of or in opposition to pending or proposed legislation, regulations, executive decisions, or any decision by the electorate on a measure submitted to it for a vote. It also includes the provision of financial contributions by recipients to, or participation by recipients in, any demonstration, march, rally, fundraising drive, lobbying campaign, letter writing or telephone campaign for the purpose of influencing the course of such legislation, regulations, decisions by administrative bodies, or any decisions by an electorate on a measure submitted to it for a vote. (See reference h.)

Covert Propaganda -- Materials such as editorials or other articles prepared by an agency or its contractors at the behest of the agency and circulated as the ostensible position of parties outside the agency. (See Enclosure B of reference e.)

Self-aggrandizement -- Publicity of a nature tending to emphasize the importance of the agency or the activity in question. (See Enclosure B of reference e.)